

Sex Discrimination: Your Rights

Sex Discrimination is:

- Where you are treated differently or unfairly because of your gender—that is, because you are a woman or because you are a man, or
- Where you are subjected to an unwarranted sexually hostile environment - that is, you are the target of unwelcomed, offensive conduct on account of your gender or conduct that is sexually oriented, which includes: hostile, demeaning or intimidating comments; offensive gestures; nonconsensual sexual contact; unwanted sexually suggestive language (oral or written); unwanted sexually hostile, demeaning or intimidating comments (oral or written), and sexual abuse, or
- Where you are treated differently or unfairly because you are pregnant or
- Where a policy, pattern or practice, which applies to all persons, in effect, disadvantages members of your gender more so than the opposite gender. For example, it would be sex discrimination for an employer to require that an employee be at least 6 feet tall in order to be considered for a particular position, unless the job could not reasonably be performed by someone under that height. Otherwise, such a policy would unfairly discriminate against women, because fewer women than men are 6 feet or taller; therefore, fewer women would qualify to be considered for the position.

Where is Sex Discrimination Against the Law?

Employment, Housing and Places of Public Accommodation, Contracting, and Credit.

Employment:

The scope of employment reaches from the advertisement of a particular position to the discharge of the employee. Nondiscriminatory criteria must be used in the application process,

hiring and firing, the wages, and conditions or privileges of employment. The refusal of an employer to accept any person for employment based on sex must be justified as a qualification reasonably necessary to the normal operation of the particular business or enterprise, such as where a job involves intimate personal contact with a client. This exception cannot be based on customs, client preferences, or stereotype.

Exception:

There is an exception for those employers who qualify under New Jersey law as a “nonprofit social or fraternal club or corporation.”

Housing:

It is unlawful for an owner or possessor of property to refuse to sell, rent or otherwise discriminate on the basis of sex. This applies to public or private housing, whether renting or purchasing, whether for personal or business use. It is also unlawful for any real estate agent or lending institution to discriminate based on the sex of the applicant or/customer.

Exception:

A homeowner who rents rooms in the home where he/she lives is not covered by the state law. Also, a homeowner who lives in one side of a duplex and rents the other is not covered.

Places of Public Accommodation:

No owner, manager, employee or agent of any public accommodation facility may discriminate on the basis of sex. It is difficult to define a place of public accommodation; therefore, several examples of such places are provided for your assistance:

A place of public accommodation may be a facility maintained for pleasure and sociability, including, but not limited to:

- Educational facilities, e.g., colleges, universities and academies.
- Trade/Business schools.
- Primary/Secondary Schools and the programs encompassed within the schools, including extra-curricular activities.
- Any place where food is sold for consumption, such as, bars, restaurants, grocery stores.
- Any public transportation, such as, airplanes, buses, ferries, boats, trains, and their terminals.

- Any public amusement facility, such as, game rooms, theaters, movie houses, gyms, parks, and music halls.
- Any public service building, such as, hospitals, restrooms, clinics, and libraries.

Exceptions:

Public accommodations DO NOT include: private clubs; educational facilities operated by a bona fide religious institution; places which, by nature, are reasonably restricted to individuals of one sex, such as, bathhouses, dressing rooms, and summer camps. This exception DOES NOT apply to restaurants or places where alcoholic beverages are served.

What can I do if I feel that I have been discriminated against because of my sex?

If you feel you have been discriminated against in any circumstance, communicate your feelings to the person or entity causing the problem. Tell that person you believe that his/her behavior, policy, pattern or practice is against the law.

If after attempting to resolve the matter, you feel that communications have "broken down," contact the New Jersey Division on Civil Rights. The Division has the authority to investigate your complaint. If it appears that the activity complained of is against the law, the Division will try to help you resolve the matter. Our services are free.

Note: It is also unlawful for any person or entity to further discriminate against or "victimize" you because you have complained to the Division.



Division on

CIVIL RIGHTS

For More Information

The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the law. To file a complaint, contact or visit the office nearest you:

Atlantic City Satellite Office:

26 Pennsylvania Avenue, Atlantic City, NJ 08401
Phone: (609) 441-3100
 Fax: (609) 441-3578

Camden Regional Office:

One Port Center, 4th Floor, Suite 402
 2 Riverside Drive, Camden, NJ 08103
Phone: (856) 614-2550
 Fax: (856) 614-2568
 TDD# (609) 757-2958

Newark Regional Office:

31 Clinton Street, Newark, NJ 07102
Phone: (973) 648-2700
 Fax: (973) 648-4405 / (973) 648-7582
 TDD# (973) 648-4678

Paterson Regional Office:

100 Hamilton Plaza, Paterson, NJ 07501
Phone: (973) 977-4500
 Fax: (973) 977-4511
 TDD# (973) 977-1955

Trenton Regional Office:

140 East Front Street / P.O. Box 090
 Trenton, NJ 08625-0090
Phone: (609) 292-4605
 Fax: (609) 984-3812
 TDD# (609) 292-1785

Visit our web site at www.NJCivilRights.org